

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN RE:)	
)	
SUSAN LYNETTE COLE,)	Case No. 10-61136
)	
Debtor.)	
)	
SUSAN LYNETTE COLE,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 10-6079
)	
EDUCATIONAL CREDIT)	
MANAGEMENT CORPORATION,)	
)	
Defendant.)	

ORDER DIRECTING JUDGMENT IN FAVOR OF DEFENDANT

Debtor Susan Lynette Cole seeks a determination that the student loans on which she is obligated to the Defendant should be discharged as an undue hardship pursuant to 11 U.S.C. § 523(a)(8). This is a core proceeding under 28 U.S.C. § 157(b)(2)(I) over which the Court has jurisdiction pursuant to 28 U.S.C. §§ 1334(b), 157(a), and 157(b)(1).

For the reasons announced at the conclusion of the trial in this matter, the Court finds that, pursuant to the totality of the circumstances test adopted in the Eighth Circuit, the Plaintiff has not met the burden of proving, by a preponderance of the evidence, that the repayment of the student loans will constitute an undue hardship on

her and her dependents.¹

The Clerk of the Court is, therefore, DIRECTED to enter Judgment in favor of Defendant Educational Credit Management Corporation.

IT IS SO ORDERED.

/s/ Arthur B. Federman
Bankruptcy Judge

Date: 6/3/2011

court to serve parties not receiving electronic notice

¹ *Educational Credit Management Corp. v. Jesperson*, 571 F.3d 775, 779 (8th Cir. 2009).